

line, or easement in question, the utility official is empowered to issue a permit to maintain such building, structure or edifice, provided that, upon investigation, the utility official is satisfied that a permit would have been granted in the initial instance prior to construction. Should the utility official refuse to issue the permit to maintain as herein provided, the applicant shall have the same right to appeal to the city council as provided in section 10-34 of this Code.

(Code 1968, § 10-35; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-36. Assumption of risks by builder.

Regardless of whether a permit has been issued therefor under this article, or not, any person who builds, erects, or constructs a building, structure, or edifice over any of the sewers, mains or lines enumerated in section 10-32 of this Code assumes all of the risks incident to such construction, and the city shall never be liable for any damage occasioned to any such building, structure, or edifice by reason of the granting of permission to build or construct the same, or because of the supervision, operation and maintenance of any sanitary sewer, storm sewer, water main, or electric line conduit, whether the same is in an easement granted to the city for that purpose or privately constructed.

(Code 1968, § 10-36; Ord. No. 90-635, § 24, 5-23-90)

Sec. 10-37. Tunneling to inspect or repair utility installations.

If, in the course of maintenance and supervision of any of the sewers, mains or conduits enumerated in section 10-32 of this Code over which a building, structure or edifice has been built or erected, it should become necessary to tunnel beneath or excavate through the floor or foundation of such building, structure or edifice for the purpose of making inspections or repairs, the person owning such building, structure or edifice, his successors or assigns, shall, regardless of whether a permit has been issued therefor under this article, or not, stand and bear all of the expense and damage occasioned to such building, structure or edifice by reason of such tunneling or excavation. In addition thereto, such person shall

likewise stand and bear the added cost incurred by the city in tunneling beneath or excavating through the floor or foundation of such building, structure or edifice for the purpose of making such inspections or repairs, the amount of which added cost is to be determined by the utility official, and such amount shall be paid promptly to the city.

(Code 1968, § 10-37; Ord. No. 90-635, § 24, 5-23-90)

Secs. 10-38—10-47. Reserved.

ARTICLE III. HOUSE MOVING

DIVISION 1. GENERALLY

Sec. 10-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *House*. Any building, structure or edifice.
- (2) *House moving*. The transportation of a house from place to place along or across any public street within the corporate limits of the city.
- (3) *Licensee*. A person licensed under this article to engage in the business of house moving.
- (4) *Street*. The term "street" shall mean any part of the street right-of-way, including the sidewalk area.

(Code 1968, § 10-48)

Sec. 10-49. Compliance with Construction Code; landowner's agreement; bond; certificate of compliance; move to house repair or resale lot.

(a) It shall be unlawful for any licensee to begin or complete the moving of any building onto any property in the city unless the permanent location and foundation of the building on the property complies in all respects with the Construction Code. No permit shall be issued to move

any building, and no building shall be moved onto any property in the city, unless the owner of the land upon which the building is to be moved has completed a landowner's agreement on a form approved by the building official and has delivered a cashier's check to the city pursuant to the requirements set out below, or has posted a bond signed by the owner as principal and by a good and sufficient corporate surety company licensed to do business in the state as surety, which bond shall be in a form approved by the building official.

The bond shall be in the sum of \$3,500.00 and shall provide and be conditioned that if the owner fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, then the surety shall be liable for reimbursement of the costs incurred by the city for demolition of the building.

If a cashier's check is delivered to the city in lieu of the aforesaid surety bond, it shall be in the amount of \$3,500.00, issued by a bank that is insured by the Federal Deposit Insurance Corporation and made payable to the city. The cashier's check shall be for reimbursement of the costs incurred by the city for demolition of the building if the owner fails or refuses to timely perform one or more of his obligations under the landowner's agreement.

In the landowner's agreement the owner shall set out his full name, mailing address, the legal description and the street address of the property upon which the building is to be moved and the purpose for which the building will be used after it has been moved and repaired, specifying the purpose in sufficient detail so that the applicable Construction Code occupancy can be determined. The owner shall certify that the occupancy will not violate any valid and applicable deed restriction or covenant running with the land. The landowner shall covenant and agree in the landowner's agreement:

- (1) That application will be made for all necessary permits to bring the building into

compliance with the Construction Code within 30 calendar days after the building is moved onto the property.

- (2) That the building will be brought into compliance with all applicable Construction Code requirements for the designated occupancy within 150 calendar days, and that the issuance of any permit by the city shall not be construed to extend the time to repair the building beyond 150 calendar days after the building was moved onto the property.
- (3) That until such time as the building is permanently occupied the owner will ensure that the building will not be permitted to become or remain in such a condition that a person can enter into it without the use of force through unlocked doors or unsecured openings except at such times as the owner or any persons engaged in the repair of the building are in actual attendance on the property and that the owner of the property will ensure that the building does not become or remain a dangerous building as defined in section 10-361 of this Code.
- (4) The owner expressly understands and agrees that if he fails or refuses to timely perform any one or more of his obligations under the landowner's agreement, the city may demolish or cause the demolition of the building at the risk, expense and liability of the owner, and the owner agrees to pay the city all costs incurred by the city therefor.

The landowner's agreement shall be signed by each owner of the property onto which the building is to be moved.

(b) When the requirements of a landowner's agreement have been fully met and the building has been brought into compliance with all Construction Code requirements for the occupancy designated in the application for the house moving permit, the building official shall issue a certificate of compliance for the building upon the request of the landowner. If a bond has been posted to secure performance of the landowner's agreement, the surety company shall be relieved

of liability on the bond when a certificate of compliance is issued by the building official for the building that was the subject of the permit. If a cashier's check was delivered to the city pursuant to this section, the landowner may demand return of the cashier's check when a certificate of compliance is issued by the building official for the building that was the subject of the permit.

(c) Prior to demolition of any building pursuant to a landowner's agreement, the city shall provide the owners with notice and a hearing in the same manner as provided for in article IX of this chapter.

(d) This section shall not be applicable to the moving of a building to a "house repair or resale lot" which holds a current license issued by the city for that purpose. The term "house repair or resale lot" means a contiguous plot or tract of land which:

- (1) Has 15,000 square feet or more in area;
- (2) Is suitable for use for the repair and/or display of buildings which are to be subsequently moved to a permanent location after repair or resale; and
- (3) Is subject to such use without violation of any valid and applicable deed restrictions or covenants running with the land.

Further, this section shall not be applicable to portable school buildings moved onto the property of an independent school district.

(e) License for house repair or resale lot:

- (1) To obtain a license to operate a house repair or resale lot, an application shall be filed with the building official on a form designated by the city for that purpose. On such application, the applicant shall set forth:
 - a. The address of the site where the house repair or resale lot will be operated.
 - b. The legal description of the property on which the house repair or resale lot will be operated.

- c. The names and street addresses of each owner of the property on which the house repair or resale lot will be operated.
- d. The name and street address of the person who will operate the house repair or resale lot.
- e. Such other information as the director of public works and engineering finds will aid in the enforcement of this Code in regard to the house repair or resale lot.
- f. A statement that the proposed use of the property described in the application for use as a house repair or resale lot will not violate any restriction contained in or incorporated by reference in a recorded instrument affecting the land. Such an application shall be signed by each owner of the property.

- (2) The building official shall issue a license to the person who will operate the house repair or resale lot upon submission of an application pursuant to this section and payment of the license fee if, upon inspection, the building official finds that the house repair or resale lot meets the requirements of this section.
- (3) The fee for a license issued under this section shall be \$100.00.
- (4) A license issued under this section shall expire one year from the date of its issuance but may be renewed upon application therefor and payment of the annual renewal fee of \$100.00. An application for renewal shall be on a form designated by the city for that purpose and shall include such information as the director of public works and engineering determines is necessary to enforce this Code relating to house repair or resale lots.
- (5) A license issued to operate a house repair or resale lot shall be valid only for the property described in the application for

the license. Such a license shall also be personal to the licensee and shall not be transferable.

- (6) Each building situated on a house repair or resale lot shall be kept in such a condition that a person cannot enter it without the use of force through unlocked doors or unsecured openings except at such times as the licensee, his agents or employees, or any person engaged in the repair of the building are in actual attendance on the property.
- (7) No part of a building on a house repair or resale lot shall either be closer to any other building on such lot than six feet or be closer than three feet to any property line.
- (8) House repair or resale lot licenses shall be subject to revocation and suspension by the building official as provided in section 10-92 of this Code.

(Code 1968, § 10-49; Ord. No. 81-2515, § 1, 12-22-81; Ord. No. 82-870, § 1, 5-25-82; Ord. No. 90-635, § 25, 5-23-90; Ord. No. 93-514, § 21, 5-5-93; Ord. No. 93-1570, § 3, 12-8-93; Ord. No. 98-613, § 24, 8-5-98; Ord. No. 02-399, § 31, 5-15-02; Ord. No. 04-1015, §§ 10, 11, 9-27-04)

Sec. 10-50. Reserved.

Editor's note—Ord. No. 00-551, § 1, adopted June 21, 2000, repealed § 10-50 in its entirety. Formerly, said section pertained to moving concrete slab foundations and derived from Code 1968, § 10-50; Ord. No. 67-2030, § 1, 10-24-67; Ord. No. 72-499, § 1, 3-15-72. See the Code Comparative Table.

Sec. 10-51. Bond.

(a) In the event a house moving license is granted under division 2 of this article, before delivery thereof, the licensee shall file with the city a bond signed by the licensee as principal and by a good and sufficient corporate surety on the current approved United States treasury list, which bond shall be in the sum of \$10,000.00, conditioned that the licensee will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this article, and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property

occasioned in any manner by the licensee's moving of houses, and further conditioned that the licensee will pay to the city, as minimum liquidated damages, the sum of \$50.00 per day for each day or part thereof that any house being moved by the licensee shall remain on any street or part of street in excess of the number of days shown in the house moving permit issued to the licensee for such move. The bond shall contain a provision that the parties recognize that the damages to the city occasioned by any house remaining on any street or part of the street in excess of the number of days shown in the permit will, in all probability, be difficult to ascertain and consequently that the parties have agreed on such sum as the minimum amount of such damages. However, such bond shall contain the further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event, but that the city shall not be prevented from claiming and proving any additional amount in excess of such minimum sum.

(b) Bonds provided for in this section shall not be exhausted until fully paid. Each such bond shall contain a provision that it shall not be exhausted until a recovery or recoveries have been obtained totaling the full amount of the bond.

(Code 1968, § 10-51; Ord. No. 72-500, § 1, 3-15-72)

Sec. 10-52. Insurance.

In addition to the requirements for a bond the holder of any category of house moving license shall be required to carry liability insurance in the minimum sum of \$50,000.00 for injury to or death of one person, and \$100,000.00 for injury to or death of more than one person from any one accident, and the minimum sum of \$25,000.00 for property damage for any one accident. Such policy shall contain a provision obligating the insurer to give written notice of cancellation, not less than ten days prior to the date of such cancellation, to the building official. No house moving permit will be issued to any house moving licensee unless such insurance is in full force and effect.

(Code 1968, § 10-52; Ord. No. 90-635, § 26, 5-23-90)

Sec. 10-53. Mover's equipment generally.

No house mover shall move or attempt to move
any house by means of any equipment whether

owned by him, or not, which has not first been registered with the city and inspected and a certificate of compliance obtained therefor pursuant to section 10-88 of this Code.

(Code 1968, § 10-53)

Sec. 10-54. Marking of mover's equipment.

All house moving equipment shall be plainly marked in letters not less than four inches in height, showing the name of the licensed house mover.

(Code 1968, § 10-54)

Sec. 10-55. Lights on load.

Amber or red lights at least four inches in diameter, with two units to each side on the back not less than three feet nor more than six feet from the ground, with one on each side in the center of the load, shall be required when a house is being moved. There shall be comparable lights of amber color across the front of the load and these lights shall be in operation at all times while the house is on the public street or right-of-way during the night or day.

(Code 1968, § 10-55)

Sec. 10-56. When barricades, warning lights, etc., required.

Barricades and warning lights or other equivalent danger warning devices shall be placed wherever any house being moved is stopped on any public street right-of-way for any period of time in excess of ten minutes.

(Code 1968, § 10-56)

Sec. 10-57. Authority to require additional safety equipment.

The building official is hereby authorized to specify required safety equipment to be employed while any house is being moved upon the public streets of the city, in addition to the equipment specified in this article.

(Code 1968, § 10-57; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-58. Establishment of time, routes, etc., for moving.

(a) The building official shall have authority to establish and direct, as a condition to the issuance of a permit under this article, the time when the house moving shall start and the time when it shall be completed, the routes over which houses of specified dimensions may be moved and such other regulations and conditions which he may deem necessary. Any deviation from such routes and hours shall constitute an offense. Decisions made by the building official pursuant to the provisions of this subsection shall be such that they result in the prevention of traffic obstruction and overloading of pavement weight capacity.

(b) When it is required by the provisions of this article that an inspector be present, the building official shall establish a time for the house to be moved upon the request of the licensee. Such request shall be made at least 24 hours prior to the moving time. The licensee may give notice of cancellation of such scheduled house moving, if such notice is given not less than 12 hours prior to the scheduled time of moving.

In the event that a scheduled house moving has not been completed within the time assigned, or if such scheduled house moving is cancelled by the licensee less than 12 hours prior to the assigned time, the licensee shall pay an additional fee of \$25.00 to the city as a condition precedent to the building official assigning another time for the moving of such house; provided, however, that no additional fee shall be paid to establish a new moving time if the noncompletion or cancellation has resulted from inclement weather.

(c) Route changes may be authorized by the building official. All concerned parties shall be notified immediately and prior to any deviation from the original announced route. Changes in time shall be made in the same way as changes in route.

(Code 1968, § 10-58; Ord. No. 90-635, § 27, 5-23-90)

Sec. 10-59. Maximum time limit.

No move authorized pursuant to this article shall last for a period of time in excess of 48 hours,

and the maximum time during which a house may legally remain in a street, under a permit issued pursuant to this article, shall be 48 hours. (Code 1968, § 10-59)

Sec. 10-60. Inspection of route prior to moving.

All routes over which a house is to be moved shall be physically inspected prior to each haul by the licensee and the house moving inspector and others concerned. (Code 1968, § 10-60)

Sec. 10-61. Escort by off-duty police required.

Every licensee shall, before moving a house, engage at his own cost, the services of an off-duty police officer of the city as an escort for such move. Such police officer shall be selected from a roster prepared under the supervision of the chief of police, and the names on such roster shall be rotated; provided, however, such off-duty police officer shall not use city-owned vehicles or equipment while engaged in the service of such house mover. When the house to be moved exceeds 22 feet in width or 40 feet in length one additional off-duty police officer escort shall be required. It shall be unlawful to move a house of any dimension, when a permit therefor is required, without the required police escort. (Code 1968, § 10-61; Ord. No. 72-499, § 2, 3-15-72)

Sec. 10-62. Secondary escort.

In circumstances where the contour of the road requires it, in the opinion of the building official, the licensee shall provide a secondary escort in a vehicle with a reflectorized sign reading: "DANGER, SLOW, BE PREPARED TO STOP" in red letters on a white background 20 inches wide and 12 inches high attached to the rear of such escorting vehicle and placed more than six feet above the ground. Such sign shall be carried 200 feet to 500 feet behind the house, depending upon the contour of the roadway; provided, however, the building official may authorize some other procedure in lieu of a secondary escort. (Code 1968, § 10-62; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-63. When inspector required.

No house moving inspector will be required during the moving of a house upon the public streets of the city unless the building official determines that special circumstances exist which would make the presence of such an inspector necessary. (Code 1968, § 10-63; Ord. No. 72-499, § 3, 3-15-72; Ord. No. 90-635, § 28, 5-23-90)

Sec. 10-64. Authority to stop moving and inspect equipment.

The police escort, or the house moving inspector if present, are hereby empowered to stop a house which is being moved at any time for the purpose of inspecting the rigging, trucks, and lighting in order to insure the safety of the move with a minimum of exposure to danger or damage to property. (Code 1968, § 10-64; Ord. No. 72-499, § 4, 3-15-72)

Sec. 10-65. Continuous motion required in street.

During the entire time that a house being moved in occupying the street, or any portion thereof, the licensee shall make every reasonable effort to keep it continuously in motion toward its destination and, insofar as possible, he shall not allow the work of moving to stop during such time. This shall not be interpreted to encompass accidents, breakdowns for which the licensee has not been negligent, or acts of God which prevent continuous movement when the house moving is underway. (Code 1968, § 10-66)

Sec. 10-66. Unattended houses on street.

No house being moved pursuant to this article shall be left unattended on any public street or right-of-way. (Code 1968, § 10-67)

Sec. 10-67. Removal of house from street by city.

When a house has been left on a public street, or other public way or place, and, in the opinion of the building official, the house mover is not pro-

ceeding with all diligence, or without reasonable likelihood of success to move or cause the removal of the house from such location, the building official shall have authority to remove or cause the removal of such house, and all costs pertaining to such removal shall be paid by the licensee. (Code 1968, § 10-68; Ord. No. 90-635, § 29, 5-23-90)

Sec. 10-68. Disconnecting utilities.

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, water connection, sewer connection or telephone connection from any house which he proposes to move, without the consent of the public utility owning such connection. (Code 1968, § 10-69)

Sec. 10-69. Disconnection and plugging of sewer service line.

It shall be the duty of the licensee to cause to be disconnected outside of the property line and properly plugged by a licensed plumber, in such a manner as to prevent any surface water from entering same, the sewer service line connection of any house to be moved by such licensee prior to the issuance of a moving permit therefor and such licensee shall comply with all applicable provisions of ordinance relating to sewage, sewers and drains.

(Code 1968, § 10-70; Ord. No. 72-499, § 6, 3-15-72)

Sec. 10-70. Removing or destroying poles or wires.

It shall be unlawful for any licensee to remove, tear down or destroy any pole or wire or other property belonging to the city or to any electric light and power company, gas company or telephone or telegraph company without the consent of such utility or other person owning the same. (Code 1968, § 10-71)

Sec. 10-71. Cutting down trees or branches.

It shall be unlawful for any licensee engaged in moving a house to cut down any tree growing within any parkway or esplanade of a public

street or to cut any branches therefrom without having first obtained permission from the director of parks and recreation.

(Code 1968, § 10-72)

Sec. 10-72. Removal of equipment, cribbing and debris from vacated premises.

It shall be the duty of the licensee to remove all equipment, cribbing, and debris deposited or caused to be deposited on the land vacated by the moving of any house therefrom.

(Code 1968, § 10-73)

Sec. 10-73. Removal of trash deposited on streets or other public property.

The licensee shall be required to remove at his expense all trash and debris which he has deposited or caused to be deposited in any public street or other public place or property at the time he is moving the house.

(Code 1968, § 10-74)

Sec. 10-74. Notice of completion; repair of damage to public property.

(a) Whenever a licensee has completed the work of moving a house under a permit, and the house no longer occupies any part of the street, he shall promptly notify the building official of such fact. The building official shall cause an inspection to be made of the route of moving and the installation of the house. If he finds that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he shall notify the licensee of such fact, specifying the damage, by mailing to him a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to begin the work of repairing the damage, which work shall be promptly done and completed under the supervision of and to the entire and complete satisfaction of the building official.

(b) In the event that the licensee fails to begin work within two days, or fails to continuously proceed therewith promptly and expeditiously, or fails to complete it to the entire and complete satisfaction of the building official, then the build-

ing official may promptly cause the damage to be repaired on behalf of the city. In such case, the building official shall make and execute a certificate, setting out the relevant facts pertaining to the transaction, and shall certify therein the amount of damage sustained by the city and shall file the certificate with the city controller. The licensee, by accepting the permit provided for in this article, does thereby constitute and appoint the building official as his agent and representative with full power and authority to bind the licensee and his surety to prepare and file such certificate. Upon the filing of the certificate, the amount stated therein shall be and become a sum, liquidated and certain, owing to the city by the licensee and the surety on his bond and, in any suit involving such sum, the facts recited in the certificate and the amount of damage certified therein shall in all things be presumed to be true and binding upon the licensee and his surety in the absence of clear, convincing and unmistakable proof that the building official has acted arbitrarily and without any evidence whatsoever of such facts.

(c) Notwithstanding the foregoing provisions, the city may, as an alternative, and at the city's option, make or cause to be made repairs to its property damaged by the licensee and the licensee shall be obligated to pay the city reasonable costs of such repairs.

(d) On the day following the moving of a house, the licensee shall furnish to the building official the names of the police officers who escorted the move. In the event the day following such move is a Saturday, Sunday or holiday, the licensee shall submit such information on the next regular business day. The licensee may satisfy this requirement by mailing such information to the building official on the day following such move. (Code 1968, § 10-75; Ord. No. 72-499, § 7, 3-15-72; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-75. Completion certificate.

When a house is moved pursuant to the provisions of this article, a move completion certificate shall be issued after the move has been completed and all inspections have been made and approval has been given by the building official. The move

completion certificate shall be issued by the building official. Such certificate shall not be issued until repairs or replacements have been made for any public property damaged in such move.

(Code 1968, § 10-76; Ord. No. 90-635, § 30, 5-23-90)

Sec. 10-76. Exemptions from article.

Portable houses without plumbing facilities not more than 12 feet in width and not exceeding 16 feet in height, when loaded for moving, shall be exempt from the provisions of this article. Such exemption does not exempt the mover from compliance with chapter 45 of this Code. All houses moved into or within the city, regardless of size, shall comply fully with the Construction Code.

(Code 1968, § 10-77; Ord. No. 72-1075, § 1, 6-22-72; Ord. No. 02-399, § 32, 5-15-02)

Sec. 10-77. Penalty.

Any person who violates any of the provisions of this article shall be fined not less than \$100.00 nor more than \$500.00 and each day's violation shall constitute a separate offense.

(Code 1968, § 10-78; Ord. No. 92-1449, § 21, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Secs. 10-78—10-83. Reserved.

DIVISION 2. MOVER'S LICENSE

Sec. 10-84. Required.

It shall be unlawful for any person to move any house along or across any public street within the city without first having secured the required classification of house moving license to engage in the business of house moving as provided in this division.

(Code 1968, § 10-84)

Sec. 10-85. Classifications; final authority for permit issuance.

(a) *Class A.* The holder of a Class A license shall be authorized to move all houses authorized for a Class B license and shall also be authorized to move all houses in excess of the maximum size specified in this section for holders of Class B licenses where the building official approves the move. Special requirements for moves in excess of 30 feet in width, 40 feet in length and 18 feet in height shall be imposed by the building official when deemed advisable from the point of view of traffic safety and protection of the city's streets.

(b) *Class B.* The holder of a Class B license shall be authorized to move houses upon the public streets of the city when the maximum size of the house moved does not exceed 30 feet in width, 40 feet in length and 18 feet in height, and when the axle load is in compliance with the requirements of applicable provisions of the state law.

(c) *Final authority for permit issuance.* The building official shall have final authority in granting permits to movers based on the size of the house to be moved and the mover's equipment as inspected and certified under section 10-88 of this Code.

(Code 1968, § 10-85; Ord. No. 72-1075, §§ 2, 3, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 93-514, § 22, 5-5-93)

Sec. 10-86. Application.

Any person desiring to engage in the business of house moving shall make application for a license to the building official. Such application shall be in writing and shall contain the following:

- (1) The name of the applicant and his residence and business addresses. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.

- (2) A statement that the applicant (or officers, if applicant is a corporation) has read and thoroughly understands the terms of this article and agrees to abide by its terms in the business of house moving.
- (3) The classification of house moving license for which application is made.
- (4) The application shall be signed by the applicant, if an individual; by a partner, if a partnership; or by the president, if an association or corporation.
- (5) Such other information as may be required by the building official.

(Code 1968, § 10-86; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-87. Fee.

The annual fee for a license required by this division shall be \$70.00 for a class A license and \$50.00 for a class B license. Such fee shall be paid at the time the application for a license is filed. No part of this fee shall be refunded whether or not a license is granted, but shall be held by the city to reimburse its expenses of investigation and inspection.

(Code 1968, § 10-87; Ord. No. 72-1075, § 4, 6-22-72; Ord. No. 90-635, § 31, 5-23-90; Ord. No. 03-645, § 2, 7-16-03)

Sec. 10-88. Inspection of applicant's equipment.

Prior to the issuance of a license under this division or a renewal thereof, the building official shall inspect the house moving equipment intended to be used by the applicant in connection with house moving, and if such equipment is safe and adequate and in compliance with the provisions of this article, a certificate shall be issued for display upon or within each approved tractor or towing unit.

(Code 1968, § 10-88; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-89. Issuance.

The building official shall examine the application for a license under this division and make such investigation as may be necessary, and if, in

his opinion, based upon such application and investigation, the applicant is entitled to a license, he shall issue to the applicant a license of the classification to which he is entitled upon the execution and delivery of the required bond and the satisfaction of the liability insurance requirements specified in sections 10-51 and 10-52 of this Code.

(Code 1968, § 10-89; Ord. No. 90-635, § 31, 5-23-90)

Sec. 10-90. Transfer.

A license issued under this division shall be personal to the licensee and shall not be transferable.

(Code 1968, § 10-90)

Sec. 10-91. Expiration and renewal.

A license issued under this division shall expire at midnight the following December thirty-first and any renewal thereof shall similarly expire upon the following December thirty-first. Upon expiration, a license may be renewed, if such license has not theretofore been revoked or suspended, by payment of the required license fee and the continuation in force of the licensee's bond pending the filing of a new bond, and the continued satisfaction of the liability insurance requirements of this article. In the event such license is under suspension, the license will not be renewed until the suspension period has ended, however, there shall be no proration of the license fee.

(Code 1968, § 10-91)

Sec. 10-92. Suspension or revocation.

After a public hearing thereon, the building official may suspend or revoke a house moving or a house repair or resale lot license issued pursuant to this article upon finding that the licensee made a materially false statement in his application or a finding that the licensee has violated any provision of this article and such suspension or revocation shall not bar a prosecution for the same offense. Prior to such hearing, the building official shall give written notice to the licensee of the grounds for the hearing, the date, time and place of the hearing and that the licensee may attend, be represented by counsel, present evidence and cross examine witnesses at the hearing.

(Code 1968, § 10-92; Ord. No. 90-635, § 32, 5-23-90)

Secs. 10-93—10-97. Reserved.**DIVISION 3. MOVING PERMIT****Sec. 10-98. Required; application.**

Any licensee desiring to move any house shall, at least three (3) days prior to the date upon which it is desired to make such move, apply to the building official for, and obtain, a permit, showing the present location of the house, the proposed new location, the proposed route of moving, the size and type of construction of the house and such

other information as the building official may require.

(Code 1968, § 10-98; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-99. Fee.

(a) Each applicant for a permit under this division shall pay a base permit fee of sixty dollars (\$60.00) for each structure that is to be moved. In each instance in which the building official determines that an inspector will be required during the move as provided in section 10-63 of this Code there shall be an additional inspection service fee of one hundred twenty dollars (\$120.00) for the first four-hour period, or any portion thereof, plus thirty-five dollars (\$35.00) for each additional hour, or any portion thereof. The fees provided for herein are in addition to the yearly license fee provided for in section 10-87 of this Code.

(b) Where a licensee commences to move a house without first having secured a permit therefor, the fee shall be doubled for the permit required for the house move, but the paying of such double fee shall neither relieve any person from fully complying with the requirements of this article nor from any other penalties prescribed herein.

(c) Any emergency move scheduled during holidays, weekends or other times not normally scheduled for moving a house and requiring a house moving inspector shall be subject to a special fee of fifty dollars (\$50.00). This special fee shall be in addition to the normal fee and shall be charged even though the basic moving permit is issued under an exempt fee. Any such emergency move must be approved by the building official.

(Code 1968, § 10-99; Ord. No. 72-499, § 8, 3-15-72; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 91-1173, § 1, 8-14-91)

Sec. 10-100. State permit prerequisite to issuance.

No permit shall be issued under this division unless any required permits from the Texas Department of Transportation shall have first been obtained.

(Code 1968, § 10-100; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-101. City departments to be notified prior to issuance.

The time of the house moving for which a permit is applied for under this division shall be predetermined, and before the permit shall be issued, the departments of fire, police and parks and recreation shall be notified, as required by the building official.

(Code 1968, § 10-101; Ord. No. 90-635, § 33, 5-23-90; Ord. No. 93-514, § 23, 5-5-93)

Sec. 10-102. Issuance.

The building official shall examine the application for a permit under this division and, if it is in order, he shall issue the permit, in duplicate.

(Code 1968, § 10-102; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-103. Contents.

Each permit issued under this division shall show:

- (1) The name of the licensee.
- (2) The present location of the house.
- (3) The proposed new location.
- (4) The route of moving, as approved by the building official.
- (5) The date and time during which the house will occupy the streets, if no inspector is required. This may subsequently be modified with the approval of the building official.
- (6) The time that the house will be permitted to remain in the streets.
- (7) The size and type of construction of the house.
- (8) Evidence that arrangements have been made with utility companies and/or the city electrical division for the rearrangement of any utility company's or the city's installations where required in order to prevent damage thereto.

- (9) The receipt of the permit fee.
- (Code 1968, § 10-103; Ord. No. 90-635, § 33, 5-23-90)

Sec. 10-104. Posting.

A copy of the permit issued under this division shall be posted on the house to be moved, and no house shall be moved unless such copy and the job card are posted thereon.

(Code 1968, § 10-104)

Sec. 10-105. Transfer.

Permits issued under this division shall be non-transferable.

(Code 1968, § 10-105)

Sec. 10-106. Acceptance constitutes obligation and contract.

The acceptance by a licensee of a permit issued under this division shall constitute a binding obligation and contract on the licensee's part to abide by and comply with the terms of the permit and of this article.

(Code 1968, § 10-106)

Secs. 10-107—10-150. Reserved.

ARTICLE IV. RESERVED*

Secs. 10-151—10-210. Reserved.

*Editor's note—Ord. No. 93-1570, § 5, adopted Dec. 8, 1993, repealed former art. IV, §§ 10-151—10-156, 10-166—10-177, 10-186—10-189, which pertained to the housing code.